

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

070456-0034

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on _____

Signature _____

Typed or Printed

Name _____

Application Number

10/500,702

Filed

July 06, 2004

First Named Inventor

Youichi TOBITA

Art Unit

2629

Examiner

Vijay SHANKAR

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.

(Form PTO/SB/96)

☒

attorney or agent of record.

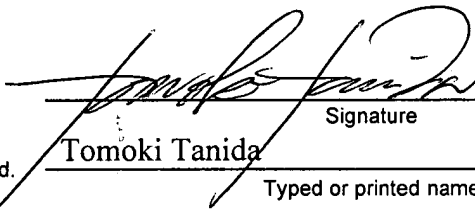
Registration number

60,453

☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34


Signature

Tomoki Tanida

Typed or printed name

202-756-8000

Telephone number

June 30, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒

*Total of one form is submitted.



Remarks for Pre-Appeal Brief Request for Review

Claims 1-16 and 18-21 are pending. Of those claims, claims 4-16 and 19-21 have been withdrawn from consideration pursuant to the provisions of 37 C.F.R. §1.142(b). Claims 1-3 and 18 are active in this application, of which claim 1 is independent.

Claims 1-3 and 18 stand rejected under 35 U.S.C. §102(e) as being anticipated by Yumoto et al. (U.S. Patent Application Publication No. 2002/0067328) ("Yumoto"). Appellant submits that Yumoto does not identically disclose a sample hold circuit including all the limitations recited in independent claim 1. Specifically, Yumoto does not disclose, among other things, the following limitations recited in claim 1:

a first capacitor connected at one of its electrodes to the other electrode of said second switching element, and receiving on the other electrode a predetermined potential; and

a drive circuit having an input node connected to the other electrode of said second switching element and an output node connected to the other electrode of said first switching element, and providing a potential corresponding to a potential of said input node to the output node wherein a power supply voltage of said drive circuit is intermittently supplied.

The Examiner identified capacitor 189 shown in Fig. 42 of Yumoto as the claimed drive circuit. *See* paragraph 5 of the Office Action dated April 28, 2008. There is a clear error in the Examiner's position at least because capacitor 189 of Yumoto is also identified as the claimed first capacitor by the Examiner and claim 1 requires the drive circuit in addition to the first capacitor. The Examiner did not provide any factual basis to support his position that Yumoto discloses the claimed first capacitor and drive circuit.

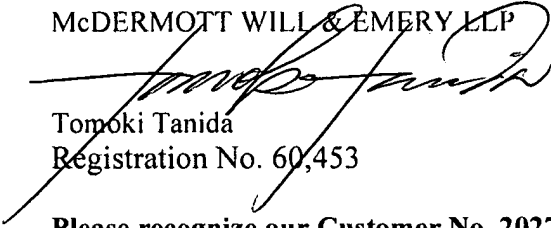
Based on the foregoing, Yumoto does not identically disclose a sample hold circuit including all the limitations recited in independent claim 1. Dependent claims 2, 3, and 18 are also patentable at least because the claims respectively include all the limitations recited in

independent claim 1. Appellant, therefore, respectfully solicits reconsideration and reverse of the outstanding rejection of claims 1-3 and 18.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


Tomoki Tanida
Registration No. 60,453

**Please recognize our Customer No. 20277 as
our correspondence address.**

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 SAB:TT
Facsimile: 202.756.8087
Date: June 30, 2008